



Congress of the United States
House of Representatives
Washington, DC 20515

March 1, 2023

Administrator Michael Regan
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Administrator Michael S. Regan:

I am writing regarding the February 3, 2023, Norfolk Southern train derailment in East Palestine, Ohio near the Pennsylvania-Ohio border. I am appreciative of the immediate action taken by the U.S. Environmental Protection Agency (EPA) and assistance it provided to the Pennsylvania Department of Environment Protection (PA DEP), Ohio Environmental Protection Agency (OEPA), and local authorities. Additionally, I commend the EPA for quickly mobilizing and working with state agencies to begin air monitoring and water quality testing in the immediate surrounding areas to ensure public health and safety was not at risk. Now, nearly a month after the incident, I am appreciative of the EPA's dedication to continue air and water testing and for the commitment to remain on site for as long as it takes.

I am very grateful there were no reported injuries or fatalities resulting directly from the derailment. However, I remain concerned about the release of hazardous materials into the air, water, and soil. Not only for the hundreds of families impacted within the one-mile radius but for the lasting impact the chemicals will have on the air, water, and soil quality in Western Pennsylvania. I am appreciative of the air and water monitoring that has been conducted over the past few weeks, but there must be further monitoring for all impacted communities.

On February 23rd, the Ohio Department of Natural Resources estimated that over 43,000 animals, including minnows, fish, crayfish, and amphibians, were killed within a five-mile radius in the immediate aftermath of the derailment. Lawrence County, located in my district, is three miles away from the crash site. Due to the rural nature of my district, many of my constituents rely on private drinking water wells which are not connected to a public water supply system. This new data from the Ohio Department of Natural Resources demonstrates the need for additional testing from the EPA and PA DEP.

During an EPA briefing on Saturday, February 18, 2023, it was announced that the Ohio River Valley Water Sanitation Commission (ORSANCO) would be conducting water testing for forty miles along the Ohio River. If there is a concern to test the Ohio River for forty miles away from the derailment, then families who reside less than five miles away should have full and free access to private well water testing; further, they should have access to free extensive soil testing as farmers prepare to grow food that feeds

not only the region, but the nation. One of the most frequent concerns that I have heard from my constituents is the potential agricultural impacts in the soil. According to the Pennsylvania Department of Community and Economic Development (PA DCED), Lawrence County's agricultural industry generates nearly \$70 million in sales through its twenty-nine businesses that employ nearly 400 people. As producers gear up for the growing season, there is a growing call for soil testing. Farmers, and consumers, have the right to know that this food is grown safely.

In response to this incident, I request that you provide clarifying answers to the following questions by Wednesday, March 15th.

1. Has the EPA considered expanding air monitoring and water quality testing outside of the one-mile radius? If so, will you be making those results available to the public? If not, how does the EPA know there is not contamination outside of the initial one-mile radius if no testing has been conducted?
2. Will the EPA commit to making all air, water, and soil testing free to those living and/or working in the impacted radius?
3. Does the EPA have a comprehensive plan to conduct free and extensive soil testing? If so, will the EPA be reviewing the one provided by Norfolk Southern?
4. Does the EPA have full access to monitoring data that OEPA, PA DEP, and Norfolk Southern are gathering?
 - a. Is there a coordinated plan to recognize and mitigate any issues identified through monitoring?
 - b. Does EPA have plans to release the data collected from air and water testing?
5. Does EPA have the resources necessary to continue providing assistance to OEPA and PA DEP?

Thank you for addressing the concerns of Western Pennsylvania residents. The work of the EPA has been critical over the past few weeks, especially to the community of East Palestine. Please continue to keep my office informed as you continue to monitor and provide assistance to the region.

Sincerely,



Mike Kelly
Member of Congress